

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer.

Plaintiff.
v.

ROMAN ARAGON, *et al.*

Defendants.

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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69cv07941 JEC-ACE

CLERK SANTA FE

RIO CHAMA STREAM SYSTEM

Rio Brazos, Section 7

Subfile No.: CHRB-001-0001

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico
and Defendant(s):

CORKIN'S LODGE

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. STORAGE IMPOUNDMENT (Surface Water Only):

Office of the State Engineer Files No(s) 1974-A

Priority: Reserved for future determination by court order entered November 26, 2001.

Source of Water:

Surface water of the Corkin Creek, a tributary of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: FISH AND RECREATION

Point of Diversion:

Ditch Name: CORKINS LODGE PIPELINE

Location X: 1,586,141 feet **Y:** 2,090,130 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location of Impoundment

Within the Tierra Amarilla Grant 1.2 acres

Total 1.2 acres

As shown on the 2001 Hydrographic Survey Map CHRB- 1.

Amount of Water: Reserved for future determination by court order entered November 26, 2001.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 2541

Priority: Reserved for future determination by court order entered November 26, 2001.

Source of Water:

Surface water of the Corkin Creek, a tributary of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION/DOMESTIC/POWER

Point of Diversion:

Ditch Name: PHIL CORKIN INFILTRATION GALLERY

Location X: 1,586,874 feet **Y:** 2,090,636 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	2.7 acres
Total	2.7 acres

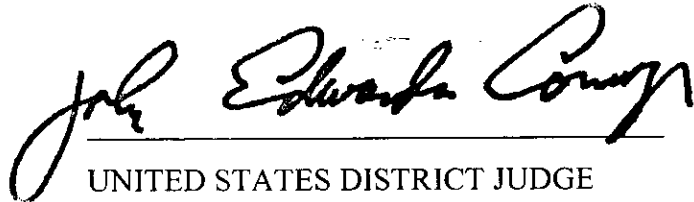
As shown on the 2001 Hydrographic Survey Map CHRB- 1.

Amount of Water: Reserved for future determination by court order entered November 26, 2001.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


UNITED STATES DISTRICT JUDGE


Recommended for approval:


SPECIAL MASTER

ACCEPTED:  THOMAS MELK, MANAGER + OWNER
CORKIN'S LODGE, LLC.

ADDRESS: 216 W. CHICAGO AVE
CHICAGO, IL 60610

DATE: APRIL 14th, 2002


EDWARD G. NEWVILLE
Special Assistant Attorney General

4.19.02
Date